

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

_____)	
UNITED STATES OF AMERICA,)	
Complainant,)	8 U.S.C. § 1324a Proceeding
)	
v.)	OCAHO Case No. 97A00014
)	
NO LAVA, INC., D/B/A AVALON)	Judge Robert L. Barton, Jr.
RESTAURANT AND BAR,)	
Respondent.)	
_____)	

**ORDER APPROVING SETTLEMENT AGREEMENT
(February 20, 1997)**

A Complaint Regarding Unlawful Employment was filed by the Complainant against Respondent pursuant to 8 U.S.C. § 1324(a). Attached to the Complaint and incorporated therein by reference was a Notice of Intent to Fine, which had previously been served upon Respondent on March 15, 1996.

By a document entitled "Settlement Agreement" executed by the parties on February 10, 1997, the parties have tendered an agreed disposition which contemplates a final order and which forms the basis of this Decision and Order. By "Motion to Approve Consent Findings" filed on February 19, 1997, counsel for the Complainant transmitted the "Settlement Agreement."

Findings of Fact and Conclusions of Law

The Settlement Agreement referred to above, including recitation of the facts contained therein, is adopted and made a part of the Decision and Order, according to its terms as fully set out herein.

Respondent admits all allegations sustaining the violations set forth in Counts I, II, III and IV, to wit, that it failed to properly and/or timely complete the Employment Eligibility Verification Form (Forms I-9) for sixty four employed individuals in violation of 8 U.S.C. § 1324a(a)(1)(B).

I conclude that the Settlement Agreement is fair and satisfactory, and there is no reason not to accept it, within the contemplation of 28 C.F.R. § 68.14.

On the basis of the Settlement Agreement, I find and conclude that Respondent has violated

8 U.S. C. § 1324a(a)(1)(B) with regard to sixty four individuals named in the Complaint.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. The Motion to Approve Consent Findings is granted;
2. Respondent pay an aggregated civil monetary penalty of \$6,760.00 relating to the allegations of Counts I, II, III, and IV;
3. Each party bear its own attorney fees, other expenses and costs incurred by such party in connection with any stage of these proceedings;
4. This Decision and Order has the same force and effect as a decision and order made after a full administrative hearing;
5. The entire record on which this Decision and Order is based consists solely of the Complaint, the Notice of Hearing, and the Settlement Agreement duly executed by the parties;
6. The parties have waived any further procedural steps before the Administrative Law Judge;
7. The parties have waived any right to challenge or contest the validity of this Decision and Order;
8. The notice of hearing is canceled; and
9. As provided in 28 C.F.R. § 68.52 of the Rules of Practice and Procedure, this Decision and order shall become the final order of the Attorney General unless within thirty (30) days from this date the Chief Administrative Hearing Officer modifies or vacates the order.

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February, 1997, I have served the foregoing Order Approving Settlement Agreement on the following persons at the addresses shown, by first class mail, unless otherwise noted:

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